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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,671

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David S. Melton

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PEACOCK MYERS, P.C.
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SUITE 1340
ALBUQUERQUE, NM 87102

EXAMINER

NGUYEN, HOANG M

ART UNIT

PAPER NUMBER

3748

MAIL DATE

DELIVERY MODE

01/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/725,671

Applicant(s)

MELTON ET AL.

Examiner

Hoang M. Nguyen

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-8, 13-19, 45-49, 51, 54 and 56-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-8, 13-19, 45-49, 51, 54, 56-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Art Unit: 3748

Applicant's amendment dated November 30, 2007, has been fully considered.

Applicant argued the devices listed by the Examiner including cell phone, air compressor, audio system, etc are not fixed external structure. First, please note the phrase "for providing power to a fixed external structure" is functional language. The electrical outlet is the structure to perform said functional language. If the prior art discloses equivalent structure that is "inherently capable of" performing the same functions, then the claimed limitation is met. In this case, the structure is simply an electrical outlet. Because the applied references teach the electrical outlet that would "inherently capable" of performing the same functions, the claimed limitations are met. Besides, the term "external fixed structure" is very vague, if the driven device such as air compressor, audio system are stationary outside of the vehicle, then said device can be considered "fixed external structure" as claimed.

For the reasons set forth above, the rejection has been made FINAL.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9, 13-15, 19, 46, 48-49, 51, are rejected under 35 U.S.C. 102(b) as being obvious based on US 4261329 (Walsh et al) in view of US 2002/0153178 (Limonius).

Art Unit: 3748

Walsh et al discloses an energy system which can be used both on vehicle platform (126, 143, 145) the energy system uses solar energy by having adjustable solar cell panels 44, or to generate electricity. Walsh et al does not teach the generator, a fuel storage container, and batteries. Limonius discloses a portable power plant in a car having solar panels 16, electric generators 68, 26, 22, 46, for generating back-up energy, batteries 48, fuel storage tank 50. It would have been obvious to provide electric generators, batteries, and fuel container in Walsh et al as taught by Limonius for the purpose of generating and storing back-up energy. Also, it's well known that all portable power plants and/or vehicle/trailer have electrical outlets for operating devices outside, for example, cigarette lighters, audio system, DVD players, cell phones, air compressor to inflate tires, and many more devices. Therefore, the newly added limitations do not define over this rejection.

Claims 1, 4-8, 13-19, 45-46, 48-49, 51, 56, 58, are rejected under 35 U.S.C. 103(a) as being obvious based on US 4553037 (Veazey) in view of US 4261329 (Walsh et al) and US 2002/0153178 (Limonius).

Regarding claims 1, 9, 13-15, 19, 46, 48-49, 51, 56, 58, Veazey discloses a hybrid energy system which can be used both on vehicle platform (figure 6), or on boats (figures 5, 7-18), the energy system uses both solar energy and wind energy by having adjustable solar cell panels 25, or adjustable Darrieus windmill 21 to generate electricity through back-up generator 26 or to store energy in batteries 24. Veazey does not disclose the system mounted on a distinct platform from a vehicle. Walsh et al

Art Unit: 3748

discloses an energy system which can be used both on vehicle platform (126, 143, 145) the energy system uses solar energy by having adjustable solar cell panels 44, or to generate electricity. It would have been obvious to mount the system in Veazey on a separate platform from a vehicle as taught by Walsh et al for the purpose of ease of assembling/disassembling the platform. Veazey also does not teach the generator, a fuel storage container, and batteries. Limonius discloses a portable power plant in a car having solar panels 16, electric generators 68, 26, 22, 46, for generating back-up energy, batteries 48, fuel storage tank 50. It would have been obvious to provide electric generators, batteries, and fuel container in Veazey as taught by Limonius for the purpose of generating and storing back-up energy. Regarding claims 4-6, 16, 46, Veazey discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose the specific powers, different types of containers, battery box, connector...etc..... However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to elect different types of devices as claimed in Veazey for the purpose of achieving appropriate power output. Also, it's well known that all portable power plants and/or vehicle/trailer have electrical outlets for operating devices outside, for example, cigarette lighters, audio system, DVD players, cell phones, air compressor to inflate tires, and many more devices. Therefore, the newly added limitations do not define over this rejection.

Art Unit: 3748

Claims 17-18, 36, 54, 57, 59, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4553037 (Veazey) in view of Walsh et al and Limonius, and US 2003/0054329 (Springett). Veazey as modified discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose the communication system having satellite dish. Springett discloses it's well known for a portable power plant on a vehicle platform to have a satellite dish (column 2). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide a satellite dish in Veazey as taught by Springett for the purpose of communicating with other facilities if needed.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3748

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (571) 272-4861. The examiner can normally be reached on Tuesday--Friday from 12:30 AM to 10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HOANG NGUYEN
PRIMARY EXAMINER
ART UNIT 3748

Hoang Minh Nguyen
1/11/2008